

West, Judge: In six counts of an information the defendants are charged with violations of the Pure Food and Drugs Act by shipping from Cleveland to points in West Virginia, Louisiana, and Texas, consignments of medicines falsely labeled and misbranded. These appear to be so-called Red Heart Blood Tabs and a drug labeled "Prescription 1000" for internal and external use. It is charged that the labels and accompanying literature contain exaggerated and false claims as to the curative properties of the drugs, which are unnecessary to recite. Count No. 4 is dismissed by the government. To the remaining five counts the plea of the defendants is *nolo contendere*. Each count alleges a second offense by pleading the defendants' former conviction in this court in May 1917, when a small fine was assessed. Part of the shipments at least were seized, confiscated, and destroyed, no claimant appearing. Defendants claim to have taken the advice of counsel with respect to their labels and advertising, which they say has been changed at times in order to conform to their understanding of the law. However, the plea entered makes it unnecessary to consider these matters, except perhaps as they may tend to mitigate punishment.

This is a peculiarly obnoxious method of defrauding the public, and in view of the former conviction, the court thinks a substantial penalty should be imposed. The sentence of the court is that the defendants on each of the remaining five counts pay a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

25390. Misbranding of Maison's Cresol Solution. U. S. v. Hi-Test Laboratories, Inc. Plea of nolo contendere. Fine, \$50. (F. & D. no. 34009. Sample no. 4260-B.)

This case involved a drug preparation the labeling of which contained unwarranted antiseptic and disinfectant claims.

On May 14, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hi-Test Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company, under the name of Maison Labs., Co., in violation of the Food and Drugs Act on or about July 3, 1934, from the State of Ohio into the State of Missouri, of a quantity of Maison's Cresol Solution which was misbranded.

The article was alleged to be misbranded in that the statements on the label, "Antiseptic disinfectant * * * $\frac{1}{4}$ per cent solution—(one teaspoonful to two quarts) in warm water", borne on the bottle label, were false and misleading in that the said statements represented that the article was antiseptic and disinfectant when used as directed; whereas it was not antiseptic and disinfectant when used as directed. The information also charged adulteration and misbranding of the article in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1451 published under that act.

On March 27, 1936, a plea of *nolo contendere* was entered on behalf of defendant company and the court imposed a fine of \$50 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

25391. Adulteration and misbranding of Pennex Brand Camphorated Oil U. S. P., Pennex Brand Essence of Peppermint U. S. P., and Pennex Brand Spirit of Camphor U. S. P. U. S. v. The Pennex Products Co., Inc., Ruben Sachnoff, Anna Schugar, and Frank W. Wentworth. Pleas of nolo contendere. Defendant corporation fined \$50 and costs awarded against it. Each of the individual defendants fined \$25. (F. & D. no. 35918. Sample nos. 23651-B to 23655-B, incl.)

The labels of these articles erroneously represented that they were of pharmacopoeial standard. The labels of the essence of peppermint and of the spirit of camphor failed to state correctly the proportion of alcohol contained, and the essence of peppermint was misbranded in that denatured alcohol had been substituted for alcohol.

On November 13, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pennex Products Co., Inc., Pittsburgh, Pa., Ruben Sachnoff, Anna Schugar, and Frank W. Wentworth, alleging shipments by them in violation of the Food and Drugs Act as amended, in the period from November 12, 1934, to January 28, 1935, from Pittsburgh, Pa., to Youngstown, Ohio, of quantities of Pennex Brand Camphorated Oil U. S. P., Pennex Brand Essence of Peppermint U. S. P., and Pennex Brand Spirit of Camphor U. S. P., which were both adulterated and misbranded.

The articles were labeled in part: (Bottle) "Pennex (Trademark) Brand Camphorated Oil Pennex Products * * * Pennex Products Co. Pittsburgh, Pa."; (bottle) "Pennex (Trademark) Brand Essence of Peppermint Alcohol 85% * * * Penna. Mfgs. & Extract Co. Pittsburgh, Pa. U. S. A."; (bottle) "Pennex (Trademark) Brand Spirit of Camphor U. S. P. Alcohol 86% * * * Contents $\frac{3}{4}$ Oz. Penna. Mfgs. & Extract Co. Pittsburgh, Pa. U. S. A."

Analyses showed that the camphorated oil contained not over 9.31 percent of camphor, or an average shortage of 53.8 percent below the United States Pharmacopoeial minimum of 19 percent of camphor in camphorated oil; that the essence of peppermint contained 77.7 percent of alcohol, diethylphthalate, and not over 4.6 percent of oil of peppermint by volume, or an average shortage of 55.0 percent below the United States Pharmacopoeial specification for essence of peppermint; that the spirit of camphor contained 75.4 percent of alcohol, diethylphthalate, and not over 7.7 grams per 100 cubic centimeters of camphor, or a shortage of 18.9 percent below the United States Pharmacopoeial minimum for spirit of camphor. It also was found that the bottles of spirit of camphor contained not more than 0.710 fluid ounces, or an average shortage of 8.5 percent, in net contents.

The camphorated oil was alleged to be adulterated (a) in that it was sold under a name recognized by the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, in that the article yielded not more than 9.31 percent of camphor, and its standard of strength, quality, and purity was not declared on the container; (b) in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was not camphorated oil which conformed to the test laid down by the United States Pharmacopoeia.

The essence of peppermint was alleged to be adulterated (a) in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down by the said pharmacopoeia, in that the article contained not more than 4.6 percent of oil of peppermint per 100 cubic centimeters, and its standard of strength, quality, and purity was not declared on the container thereof; (b) in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was not essence of peppermint which conformed to the test laid down by the United States Pharmacopoeia.

The spirit of camphor was alleged to be adulterated (a) in that it was sold under a name recognized by the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that the article contained not more than 7.7 grams of camphor in each 100 cubic centimeters and that it contained not more than 75.4 percent of alcohol by volume, and its standard of strength, quality, and purity was not declared on the container thereof; (b) in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was not spirit of camphor which conformed to the test laid down by the United States Pharmacopoeia.

The camphorated oil was alleged to be misbranded in that the statements borne on the cartons and on the labels attached to the bottles, to wit, "Camphorated Oil U. S. P." and "* * * U. S. P. * * *" and "Guaranteed to comply with the provisions of all Pure Food Laws, State and National", were false and misleading.

The essence of peppermint was alleged to be misbranded (a) in that the statements borne on the cartons, to wit, "Essence of Peppermint U. S. P. Alcohol 85% * * * U. S. P. * * * Guaranteed to Comply with the Provisions of All Pure Food Laws, State and National", and the statement borne on the bottle label, to wit, "Alcohol 85% * * * Guaranteed Pure and to comply with all National and State Food Laws", were false and misleading; (b) in that its package or label failed to bear a statement of the quantity or proportion of alcohol contained therein, in that the statement on the carton and bottle label, "alcohol 85%", was incorrect; (c) and in that denatured alcohol had been substituted in whole or in part for alcohol.

The spirit of camphor was alleged to be misbranded (a) in that the statements borne on the carton, to wit, "Spirit of Camphor U. S. P. 85% * * * U. S. P. * * * Guaranteed to Comply with the Provisions of all Pure Food Laws, State and National", and the statements borne on the labels attached to the bottles, to wit, "Spirits of Camphor U. S. P. Alcohol 86% * * * Contents $\frac{3}{4}$ Oz. * * * Guaranteed pure and to comply with

all National and State Food Laws", were false and misleading; (b) and in that its package and label failed to bear a statement of the quantity or proportion of alcohol contained therein, in that the statement on the carton, to wit, "alcohol 85%", and the statement on the bottle label, to wit, "alcohol 86%", were incorrect.

On December 5, 1935, pleas of nolo contendere having been entered, the defendant corporation was fined \$50, costs were awarded against it, and each of the individual defendants was fined \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

25392. Adulteration and misbranding of fluidextract of belladonna leaves U. S. P. U. S. v. Allaire, Woodward & Co., a corporation. Plea of guilty. Fine, \$250, and costs awarded against defendant. (F. & D. no. 35941. I. S. nos. 28209-B, 35152-B.)

This article was inferior to its professed standard and its label bore an erroneous statement.

On September 24, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment in violation of the Food and Drugs Act as amended, on or about April 15 and 17, 1935, from Peoria, Ill., to Indianapolis, Ind., and St. Louis, Mo., respectively, of quantities of fluidextract of belladonna leaves U. S. P., which were adulterated and misbranded. The article was labeled in part: (Bottle) "Fluid Extract Bella Donna Leaves U. S. P. Alcohol 58 to 63% * * * Allaire, Woodward & Co. Pharmaceutical Chemists and Drug Millers Peoria, Illinois."

Analysis showed that the alkaloid contents of the article materially exceeded the requirements of the United States Pharmacopoeia.

The article was alleged to be adulterated (a) in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, in that the article yielded more than 0.33 gram of the total alkaloids of belladonna leaves per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof; and (b) in that the professed standard of the article was that of fluidextract of belladonna leaves as determined by the test laid down in the United States Pharmacopoeia and that said article fell below such standard in that it yielded more than 0.33 gram of the total alkaloids of belladonna leaves per 100 cubic centimeters.

The article was alleged to be misbranded in that the statement borne on the label, to wit, "Fluid Extract Belladonna Leaves U. S. P.", was false and misleading, in that it was not of pharmacopeial standard.

On December 16, 1935, a plea of guilty was entered, a fine of \$250 was imposed, and costs were awarded against the defendant.

M. L. WILSON, *Acting Secretary of Agriculture.*

25393. Adulteration and misbranding of Watkins Veterinary Balm. U. S. v. J. R. Watkins Co., a corporation. Plea of guilty. Fine, \$135. (F. & D. no. 35949. Sample nos. 1543-B, 12122-B, 53412-A.)

Unwarranted curative and therapeutic claims were made for this article.

On January 28, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the J. R. Watkins Co., a corporation, Winona, Minn., alleging shipment by it in violation of the Food and Drugs Act as amended, in the period from April 10, 1934, to January 4, 1935, from Winona, Minn., to Oakland, Calif., of quantities of Watkins Veterinary Balm which was misbranded. The article was labeled in part (Can) "J. R. Watkins * * * Veterinary Balm * * * Is a soothing Germicidal Salve * * * It contains a powerful antiseptic * * * The J. R. Watkins Company Winona, Minn., U. S. A."

Analysis showed that the article consisted essentially of petrolatum containing a small amount of methyl salicylate; and that the article was not germicidal and antiseptic when used as directed, and did not contain a powerful antiseptic more effective in killing than carbolic acid (phenol).

Adulteration of the article was charged under the allegation that its strength and purity fell below the professed standard and quality under which it was sold, in that said article was not germicidal and was not antiseptic when used as directed.